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Kurt A. Summe, Reg. No. 36,023

8/15/06
Date

PATENT

DEME-10CO
Confirmation No. 8368

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kovac et al.

Art Unit: 3732

Serial No.: 10/656,490

Examiner: Ralph A. Lewis

Filed: September 5, 2003

For: APPARATUS AND METHOD FOR CURING MATERIALS
WITH RADIATION

Cincinnati, Ohio 45202

August 15, 2006

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**PETITION FOR SUBMISSION OF DECLARATION FOR PENDING
APPLICATION ON BEHALF OF INVENTORS WHO REFUSE TO
SIGN AND/OR CANNOT BE REACHED**

The present application, pursuant to the most recent action in the case is in condition for allowance, except for a formal matter involving the requirement for a new Declaration. The present application has two named inventors, Jozef Kovac and Raymond L. Knox, both of whom either cannot be reached or are refusing to sign the

new Declaration. A filing fee of \$200.00 under 37 C.F.R. §1.17(g) is submitted herewith. The pertinent facts of the situation are detailed below.

Last Known Address

The last known address for Jozef Kovac is 20 Balmforth Avenue, Danbury, Connecticut 06810. The last known address for Raymond L. Knox is 58 Nashville Road Extension, Bethel, Connecticut 06801.

Statement of Pertinent Facts

The present application is a continuation case associated with earlier-issued U.S. Patent Nos. 6,200,134 and 6,692,251. The parent '134 patent was first filed and lists the current inventors, Jozef Kovac and Raymond L. Knox. That application was filed over eight years ago on January 20, 1998. At the time of the filing of the application that issued into the parent '134 patent, Mr. Kovac and Mr. Knox executed the Declaration attached hereto as Exhibit A. Furthermore, Mr. Kovac and Mr. Knox executed the Assignment that is attached hereto as Exhibit B assigning their rights in the invention and applications related thereto and in and to all patents issued or to be issued thereon to Kerr Corporation. Mr. Kovac and Mr. Knox assigned and transferred unto Kerr Corporation the entire right, title and interest in and to the subject matter disclosed in the application and in and to all letters patent, domestic and foreign, issued or to be obtained thereon. Mr. Kovac and Mr. Knox also authorized and requested the Commissioner for Patents to issue the letters patent granted on that application and all future patents granted upon the subject matter disclosed therein to Kerr Corporation. The U.S. '134 patent issued from the application. The present application is essentially

a continuation of that parent application, with the same specification, disclosure and drawings.

Attached hereto as Exhibit C is a statement under 37 C.F.R. §3.73 by a representative of Kerr Corporation indicating ownership of parent U.S. Patent No. 6,200,134 and all applications and patents as disclosed in the subject matter of U.S. Patent No. 6,200,134.

The present application at issue is directed to the subject matter of parent U.S. Patent No. 6,200,134. The pending application has the same specification, drawings, and other disclosure, as parent U.S. Patent No. 6,200,134. However, due to the chain of pendency of the case and its continuation status, the Patent Office has required a new Declaration to be executed, rather than allowing a copy of the old Declaration from the '134 parent patent that is attached hereto as Exhibit A to be used in the case. Specifically, prior to the issuance of the parent '134 patent, a CIP application was filed claiming priority to parent U.S. Patent No. 6,200,134. That CIP application then eventually issued into a second U.S. Patent No. 6,692,251 and names a common inventor, Mr. Knox, along with a different inventor, Joseph N. Logan. The second U.S. Patent No. 6,692,251 incorporates the earlier parent patent No. 6,200,134 by reference in its entirety.

During the pendency of U.S. Patent No. 6,692,251, the current application was filed and, pursuant to prosecution of the current application, on November 3, 2005, a copy of the executed Declaration for the parent U.S. Patent No. 6,200,134 was filed for the purpose of entry into the case as the executed Declaration. Based upon the most recent action by the Examiner, which is attached hereto as Exhibit D, the Examiner has

indicated that, because the present application has the disclosure of the earlier parent U.S. Patent No. 6,200,134, rather than CIP U.S. Patent No. 6,692,251, then the case requires a newly-executed Declaration, rather than a photocopy of the parent '134 Patent Declaration.

To that end, the undersigned placed a telephone call to both Mr. Knox and Mr. Kovac. The undersigned spoke with Mr. Knox, but did not reach Mr. Kovac by phone. In the phone call, the undersigned confirmed the addresses of both inventors, as Mr. Knox was aware of Mr. Kovac's current address. Following up the telephone call (Knox) and attempt (Kovac), the undersigned sent two letters, attached hereto as Exhibit E, on May 18, 2006, along with the new Declaration, attached hereto as Exhibit F, to be executed by Mr. Knox and Mr. Kovac. Since the undersigned had spoken to Mr. Knox, and had explained the situation, and since U.S. Patent No. 6,200,134 is issued, the undersigned sent simply the new Declaration (Exhibit F) for signature. In the letter to Mr. Kovac, the current situation was explained, since the undersigned had not spoken to Mr. Kovac in person. It is believed that both Mr. Kovac and Mr. Knox are aware of their parent '134 patent and its contents, which is the identical specification subject matter as the current pending application at issue.

The undersigned still did not hear further from Mr. Kovac, but received the attached e-mail information and letter (Exhibit G) from Mr. Knox (while the letter lists a date of May 25, 2001, that appears to be a typo, as the e-mail was sent on May 25, 2006). In the letter from Mr. Knox, Mr. Knox indicates that he believes he is owed money from Demetron (the division of the patent owner, Kerr Corporation, that Mr. Knox had earlier worked for) and makes his cooperation in executing the additional

Declaration dependent upon payment of some monies referenced to events in 2001. Again, the undersigned has received no communication from Mr. Kovac in that regard.

As noted above, the subject matter of the present application, and all patents to issue therefrom, have been assigned to Kerr Corporation by the inventors, and thus the inventors have no ownership rights in the present application.

In follow-up letters on July 3, 2006, the undersigned again sent the letters attached hereto as Exhibit H, along with a copy of the pending application, as well as another copy of the Declaration. Subsequently, on July 5, 2006, the undersigned received a telephone call from Mr. Ray Knox wherein he indicated that he is not inclined to execute the Declaration without some form of compensation from Kerr Corporation. Mr. Knox and Mr. Kovac were earlier employees of Demetron, a division of Kerr Corporation (Kerr), the assignee of the present application. However, no monies are due and owing to them and it is Kerr's position that Kerr is not obligated to pay Mr. Knox or Mr. Kovac further compensation to execute the Declaration herein for a continuation application of a patent owned by Kerr Corporation.

In the telephone conversation with Mr. Knox, he indicated that, in his communications with Mr. Kovac, Mr. Kovac had the Declaration and also was not inclined to sign the document absent some payment, as they are no longer employees of Demetron/Kerr Corporation.

The owner of the present application submits that the inventors clearly understand what they are being asked to do in signing the Declaration and essentially refuse to do so. They want an additional payment to sign documents for an application that they have assigned to Kerr Corporation. No such payment is due to them or

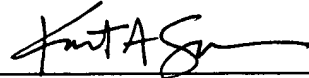
otherwise owed to the inventors. The inventors have been presented with the Declaration twice and also with a copy of the application and they are well aware of the subject matter to which that Declaration pertains pursuant to their issued parent U.S. Patent No. 6,200,134. Furthermore, with the July 3, 2006 letter, the application was again submitted to the inventors for signature of the Declaration. Because of the refusal of Mr. Knox to execute the Declaration without further compensation or payment (a demand that the assignee, Kerr Corporation, is not inclined or obligated to meet), Mr. Knox has effectively refused to execute the necessary application papers. The lack of any communication or any response by Mr. Kovac, who has received the papers, indicates his refusal to execute the necessary application papers. The assignee of the application, through the efforts of the undersigned, has been diligent in trying to get each of the inventors to execute the necessary application papers, to no avail.

Since execution of the application papers, and specifically the Declaration, is necessary to complete the present application, which has been otherwise allowed, the refusal of the inventors is detrimental to and will result in irreparable damage to the assignee, Kerr Corporation. As such, the present Petition to accept the Declaration under 35 U.S.C. §118 and/or 37 C.F.R. §1.47 is necessary to preserve the rights of Kerr Corporation and/or to prevent irreparable damage. Submitted herewith as Exhibit I is a copy of the Declaration executed on behalf of the inventors by Edward R. Shellard, who is President of Kerr Corporation, the assignee of the present application.

If further facts are required by the Examiner or the Patent Office, or if any other questions arise, the Examiner or another representative of the Patent Office is certainly encouraged to telephone the undersigned to discuss the same.

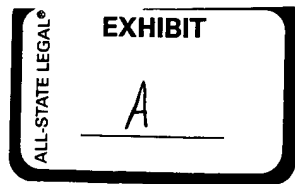
Applicants know of no fees other than the \$200.00 fee submitted which are due herein with this submission. However, if any charges or credits are necessary, please apply them to Deposit Account 23-3000.

Respectfully submitted,
WOOD, HERRON & EVANS, L.L.P.



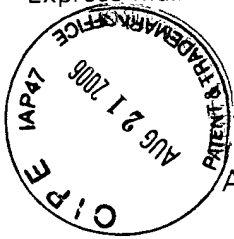
Kurt A. Summe
Reg. No. 36,023

2700 Carew Tower
Cincinnati OH 45202
(513) 241-2324 (voice)
(513) 421-7269 (facsimile)



Express Mail No. EM448270095US

Attorney Docket No. DEME-10/214



DECLARATION, POWER OF ATTORNEY, AND PETITION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

APPARATUS AND METHOD FOR CURING MATERIALS

WITH RADIATION

the specification of which (check one below):

(X) is attached hereto.

() was filed on _____ as Application Serial No. _____ or Express Mail No. _____, Serial No. not yet known, and was amended on _____ (if applicable).

() was filed on _____ as PCT International Application No. _____, and as amended under PCT Article 19 on _____ (if any).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

(Number)

(Country)

Day/Month/Year Filed

() Yes () No

(Number)

(Country)

Day/Month/Year Filed

() Yes () No

(Number)

(Country)

Day/Month/Year Filed

() Yes () No

I hereby claim the benefit under Title 35, United States Code, §120 and/or §119(e) of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application.

(Serial No.)

(Filing Date)

(Status: Patented, Pending, or Abandoned)

(Serial No.)

(Filing Date)

(Status: Patented, Pending, or Abandoned)

(Serial No.)

(Filing Date)

(Status: Patented, Pending, or Abandoned)

I hereby appoint John D. Poffenberger (R. No. 20,245), Bruce Tittel (R. No. 22,324), Donald F. Frei (R. No. 21,190), David J. Josephic (R. No. 22,849), A. Ralph Navaro, Jr. (R. No. 23,050), David S. Stallard (R. No. 25,930), J. Robert Chambers (R. No. 25,448), Gregory J. Lunn (R. No. 29,945), Kurt L. Grossman (R. No. 29,799), Clement H. Luken, Jr. (R. No. 32,742), Thomas J. Burger (R. No. 32,662), Gregory F. Ahrens (R. No. 32,957), Joseph R. Jordan (R. No. 25,686), Wayne L. Jacobs (R. No. 35,553), Kurt A. Summe (R. No. 36,023), Kevin G. Rooney (R. No. 36,330), Keith R. Haupt (R. No. 37,638), C. Richard Eby (R. No. 25,854), Theodore R. Remaklus (R. No. 38,754), Thomas W. Humphrey (R. No. 34,353), David E. Pritchard (R. No. 38,273), Stephen W. Barns (R. No. 38,037), J. Dwight Poffenberger, Jr. (R. No. 35,324), David H. Brinkman (R. No. 40,532), Scott A. Stinebruner (R. 38,323) and of counsel, Herbert C. Brinkman (R. No. 16,955) and Richard H. Evans (R. No. 19,755), all of Wood, Herron & Evans, L.L.P., 2700 Carew Tower, Cincinnati, Ohio 45202, telephone no. 513-241-2324, my attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark

Office connected therewith. Address all correspondence and telephone calls to Kurt A. Summe, Esq. at Wood, Herron & Evans, L.L.P., 2700 Carew Tower, Cincinnati, Ohio, 45202 at telephone number (513) 241-2324.

Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor
(given name, family name) Jozef Kovac

Inventor's signature Jozef Kovac Date 11/19/78

City and State of Residence Danbury, Connecticut Citizenship U.S.A.

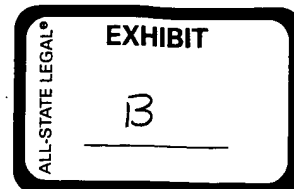
Post Office Address 20 Balmforth Avenue
Danbury, CT 06810

Full name of second joint inventor,
if any (given name, family name) Raymond L. Knox

Second Inventor's signature Raymond L. Knox Date 11/19/78

City and State of Residence Bethel, Connecticut Citizenship Britain

Post Office Address 58 Nashville Road Extension
Bethel, CT 06801



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JUNE 29, 1998

PTAS

KURT A. SUMME
WOOD, HERRON & EVANS, L.L.P.
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OHIO 45202



100702835A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/20/1998

REEL/FRAME: 9137/0798
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

KOVAC, JOZEF

DOC DATE: 01/19/1998

ASSIGNOR:

KNOX, RAYMOND L.

DOC DATE: 01/19/1998

ASSIGNEE:

KERR CORPORATION
1717 WEST COLLINS AVENUE
ORANGE, CALIFORNIA 92867

SERIAL NUMBER: 09009205

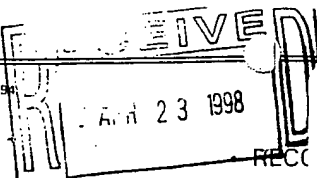
FILING DATE: 01/20/1998

PATENT NUMBER:

ISSUE DATE:

PEAKLENE FOSTER, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

63:22 970000



05-05-1998

U.S. DEPARTMENT OF
Patent and Trademark



100702835

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):
Jozef Kovac and Raymond L. Knox

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: January 19, 1998

2. Name and address of receiving party(ies)

Name: Kerr Corporation

Internal Address:

Street Address: 1717 West Collins Avenue

City: Orange State: CA ZIP: 92867

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or registration number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)
Serial No. 09/009/205

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Kurt A. Summe

Internal Address: WOOD, HERRON & EVANS, L.L.P.

Street Address: 2700 Carew Tower
441 Vine Street

City: Cincinnati State: OH ZIP: 45202

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41):\$ 40.00

☒ Enclosed

☐ Authorized to be charged to deposit account

8. Deposit account number:

23-3000

(Attach duplicate copy of this page if paying by deposit account)

05/04/1998 JSHABAZZ 00000043 09009205

01 Fee:

0.00 DP

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Kurt A. Summe

Name of Person Signing

Signature

Date

1/20/98

Total number of pages including cover sheet: 3

OMR No. 0651-0011 (exp. 4/94)

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks
Box Assignments
Washington, D.C. 20231

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PD2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project (0651-0011), Washington, D.C. 20253.

ASSIGNMENT OF INVENTION AND PATENTS THEREON

WHEREAS, We, **Josef Kovac**, of **20 Balmforth Avenue, Danbury** in the State of **Connecticut**, and **Raymond L. Knox** of **58 Nashville Road Extension, Bethel** in the State of **Connecticut**, have invented a new and improved **Apparatus and Method for Curing Materials With Radiation**, as fully disclosed in an application for Patent so entitled and executed by us on even date herewith preparatory to obtaining Letters Patent of the United States therefor; and whereas, **Kerr Corporation**, a corporation organized under the Laws of the State of **Delaware** and having its principal office at **1717 West Collins Avenue, Orange California 92867** desires to acquire the entire interest in and to the subject-matter disclosed in said application and in and to all patents issued or to be issued thereon.

NOW, THEREFORE, to all whom it may concern, be it known that, for and in consideration of the sum of One Dollar to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we have sold, assigned and transferred, and by these presents do sell, assign and transfer unto the said **Kerr Corporation** our entire right, title and interest in and to the subject-matter disclosed in said application and in and to all Letters Patent Domestic and Foreign issued or to be obtained thereon, including all rights and interests with priority rights under the Paris Convention for the Protection of Industrial Property, the International Patent Cooperative Union, European Patent Convention, Common Market Convention, or any other Convention or Union for each country of said Convention or Union; and we do hereby authorize and request the Commissioner of Patents to issue the Letters Patent granted on said application and all future patents granted upon the subject-matter disclosed therein to the above named Assignee, its legal representatives and assigns.

Witness my hand this 19th day of January, 1998.

Josef Kovac
Josef Kovac, Inventor

STATE OF Connecticut)
COUNTY OF Fairfield) ss.

On this 19th day of January, 1998, before me personally appeared **Josef Kovac**, to me known and known to me to be the **Inventor** aforesaid, who duly acknowledged the signing of the foregoing instrument to be his voluntary act and deed and who executed the same for the uses and purposes therein specified.

ANNMARIE MATTHEWS
NOTARY PUBLIC
My Commission Expires October 31, 2002

Ann Marie Matthews
Notary Public

Witness my hand this 19 day of January, 1998.

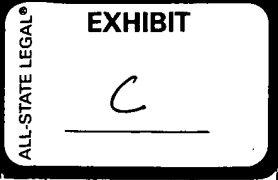
Raymond L. Knox
Raymond L. Knox, Inventor

STATE OF Ok.)
) ss.
COUNTY OF Fairfield)

On this 19 day of January, 1998, before me personally appeared **Raymond L. Knox**, to me known and known to me to be the **Inventor** aforesaid, who duly acknowledged the signing of the foregoing instrument to be his voluntary act and deed and who executed the same for the uses and purposes therein specified.

ANNMARIE MATTHEWS
NOTARY PUBLIC
My Commission Expires October 31, 2002

Annmarie Matthews
Notary Public



Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Project of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Kerr Corporation on behalf of Jozef Kovac and Raymond L. Knox

Application No./~~Reel No.~~ Control No.: 10/656,490 Filed/Issue Date: 9/5/03

Entitled: APPARATUS AND METHOD FOR CURING MATERIALS WITH RADIATION

Kerr Corporation, a corporation
(Name of Assignee) (Type of Assignee: corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____%)

In the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 9137, Frame 0798, or a true copy of the original assignment is attached.

OR
B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

(NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

EDWARD SHELLARD Signature Date 7/17/06
PRESIDENT Printed or Typed Name Telephone Number 714 566 7621
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

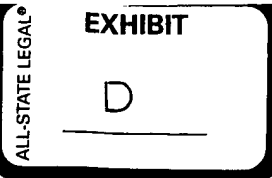
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

2006 MAR -5 PM 12:21
WOOD, HERRON & EVANS

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
www.uspto.gov



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,490	09/05/2003	Joseph N. Logan	DEME / 10C	8368

26875 7590 03/02/2006

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER

LEWIS, RALPH A

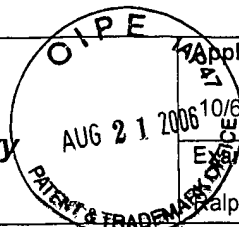
ART UNIT PAPER NUMBER

3732

DATE MAILED: 03/02/2006



Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,490

Examiner

Ralph A. Lewis

Applicant(s)

LOGAN ET AL.

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3732

Ex parte Quayle

This application is in condition for allowance except for the following formal matters.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Clarification Required Regarding Priority and Inventorship

The first line of the specification indicates that the present application is a Continuation of 09/632,260 (filed 8/4/2000 and patented 6,292,251 on 2/17/2004) and a Continuation-in-Part (CIP) of 09/009,205 (filed 8/4/2000 and patented 6,200,134 on 2/13/2001). A review of the application indicates that it has the disclosure of the earlier application 09/009,205, rather than the same disclosure of the later application 09/632,260. Since the present disclosure is different from the parent application 09/632,260, it cannot be properly called a "Continuation" of the parent application, but rather a "Continuation-in-Part" (MPEP 201.07 "The disclosure presented in the continuation must be the same as that of the original application.").

Consequently, since the present application is a CIP of the parent (09/632,260) it requires a newly executed oath or declaration rather than a photocopy of the parent's declaration (See MPEP 602.05(a)).

Additionally, if there is a change in the inventorship in a continuing application filed under 37 CFR 1.53(b)(1) then the continuing application must be accompanied by a request for changing the inventorship, otherwise it must be made filing a request under 37 CFR 1.48(a) (See MPEP 201.03(E) (last paragraph page 200-9)). In the present application, the originally filed declaration listed Kovac and Knox as the inventors. If there is a change in that inventorship, then it must be corrected through 37 CFR 1.48(a).

The current Quayle action is based on the understanding that applicant has priority to the earlier application (09/009,205) through the parent (09/632,260) based in-part on the parent's statement incorporating by reference the earlier application at column 1, lines 5-10 of 6,692,251. Additionally, it is understood that the correct inventorship has been named (or will be corrected), otherwise, rejections under 35 U.S.C. 102(f) and (g) may apply.

In Summary


- Since the present application is a CIP of the parent 09/632,260 a new oath or declaration is required identifying the present application.
- If Kovac and Knox are not the inventors of the presently claimed invention, then a request under 37 CFR 1.48(a) is required (see MPEP 201.03(E)).
- The first line of the specification must be amended to properly reflect the status of the present application as a Continuation-in-Part of the parent.

Art Unit: 3732

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication should be directed to **Ralph Lewis** at telephone number **(571) 272-4712**. Fax (571) 273-8300. The examiner works a compressed work schedule and is unavailable every other Friday. The examiner's supervisor, Kevin Shaver, can be reached at (571) 272-4720.

R.Lewis
February 24, 2006



Ralph A. Lewis
Primary Examiner
AU 3732

BRUCE TITTEL
DAVID S. STALLARD
J. ROBERT CHAMBERS
GREGORY J. LUNN
KURT L. GROSSMAN
CLEMENT H. LUKEN, JR.
THOMAS J. BURGER
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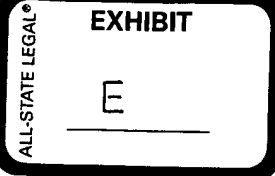
TELEPHONE: 513-241-2324

FACSIMILE: 513-241-6234

WEBSITE: www.whepatent.com

PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968
TRUMAN A. HERRON 1935-1976
EDWARD B. EVANS 1936-1971



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THOMAS W. FLYNN
J. DWIGHT POFFENBERGER, JR.
BRADLEY D. BECK

May 18, 2006

Mr. Raymond Knox
58 Nashville Road Extension
Bethel, CT 06801

Re: U.S. Application Serial No. 10/656,490
Filed September 5, 2003
**APPARATUS AND METHOD FOR CURING MATERIALS WITH
RADIATION**
Our File: DEME/10CO

Dear Ray:

Following up our telephone conversations, please find enclosed herewith a letter from Ed Shellard at Kerr Corporation regarding your execution of the enclosed Declaration. As we discussed, this Declaration refers to the above pending U.S. patent application, which is a continuation of the earlier parent patent U.S. Patent No. 6,200,134, on which you and Joe Kovac were the inventors. The Patent Office has required this due to the filing of the application in a chain which also included your latter U.S. Patent No. 6,692,251, on which you were named inventor with Joseph Logan. As such, the Patent Office requires this Declaration. Please execute the Declaration on the appropriate signature line and date the document as well. I note that the application can merely be signed and does not have to be notarized.

Mr. Raymond Knox
May 18, 2006
Page 2 of 2

Thank you for your attention in the matter and we will await the returned document.

Very truly yours,

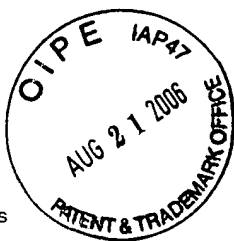
A handwritten signature in black ink, appearing to read "Kurt A. Summe", with a long horizontal flourish extending to the right.

Kurt A. Summe

KAS/slm
Enclosures

WOOD, HERRON & EVANS, L.L.P.

BRUCE TITTEL
DAVID S. STALLARD
J. ROBERT CHAMBERS
GREGORY J. LUNN
KURT L. GROSSMAN
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THOMAS W. FLYNN
J. DWIGHT POFFENBERGER, JR.
BRADLEY D. BECK

May 18, 2006

Mr. Jozef Kovac
20 Balmforth Avenue
Danbury, CT 06810

Re: U.S. Application Serial No. 10/656,490
Filed September 5, 2003
**APPARATUS AND METHOD FOR CURING MATERIALS WITH
RADIATION**
Kovac et al.
Our File: DEME/10CO

Dear Jozef:

You may recall that we worked together several years ago in the work that our firm did with Demetron regarding filing a patent application naming yourself and Ray Knox as inventors, which ultimately issued into U.S. Patent No. 6,200,134. Ray Knox was also later involved in a continuation application which issued into U.S. Patent No. 6,692,251. Demetron has also filed a continuation application based upon your earlier Patent No. 6,200,134, which pursues claims of a slightly different scope, although the detailed disclosure is identical to the earlier 6,200,134 patent. You and Ray Knox are again named as inventors in the continuation case, as is proper.

Pursuant to proceeding with that continuation case, and the chain of cases in which it is filed, the Patent Office has determined that another Declaration needs to be executed. To that end, please find enclosed a Declaration which can be signed and dated where noted on your signature line. Oftentimes, it is suitable to use the old Declaration you

Mr. Jozef Kovac
May 18, 2006
Page 2 of 2

signed. However, in this case, the USPTO would like a newly-executed Declaration for the continuation case.

I had called the number that we had on file for you, but, since it was older, I did not get an answer. I do not know if it was a correct phone number. Therefore, I have forwarded this to the address we have of record for you in Danbury, Connecticut.

I note that I have also spoken to Ray Knox and have forwarded the same Declaration to Ray for signature.

If you could, please execute the document on your signature line and date it as well, and kindly send it back to me for filing in the case so that we can proceed with prosecution of the continuation application. I note that the Declaration just needs to be signed. It does not have to be notarized in any way.

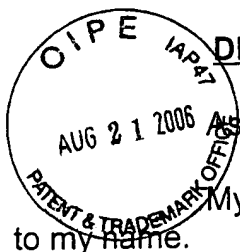
If you have any questions, please certainly do not hesitate to give me a call at the above-referenced number.

Very truly yours,

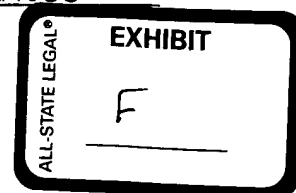
A handwritten signature in black ink, appearing to read "Kurt A. Summe", with a long horizontal flourish extending to the right.

Kurt A. Summe

KAS/slm
Enclosure



DECLARATION, POWER OF ATTORNEY, AND PETITION



As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

APPARATUS AND METHOD FOR CURING MATERIALS WITH RADIATION

the specification of which (check one below):

- ☐ is attached hereto.
- ☒ was filed on September 5, 2003 as Application Serial No. 10/656,490 or Express Mail No. ___, and was amended on ___ (if applicable).
- ☐ was filed on ___ as PCT International Application No. ___, and as amended under PCT Article 19 on ___ (if any).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed?

_____ (Number)	_____ (Country)	_____ Day/Month/Year Filed	() Yes () No
_____ (Number)	_____ (Country)	_____ Day/Month/Year Filed	() Yes () No
_____ (Number)	_____ (Country)	_____ Day/Month/Year Filed	() Yes () No

I hereby claim the benefit under Title 35, United States Code, §120 and/or §119(e) of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>09/632,260</u> (Serial No.)	<u>8/4/2000</u> (Filing Date)	<u>Patented (US Pat. #6,692,251)</u> (Status: Patented, Pending, or Abandoned)
<u>09/009,205</u> (Serial No.)	<u>1/20/1998</u> (Filing Date)	<u>Patented (US Pat. #6,200,134)</u> (Status: Patented, Pending, or Abandoned)
_____ (Serial No.)	_____ (Filing Date)	_____ (Status: Patented, Pending, or Abandoned)

I hereby appoint the practitioners associated with the customer number 26,875, as my attorneys or agents, with full power of substitute and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence and telephone calls to

Kurt A. Summe

Address of customer number 26,875
Telephone (513) 241-2324

Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of Inventor Jozef Kovac

Inventor's Signature _____ Date _____

Residence City/State Danbury, Connecticut Citizenship US

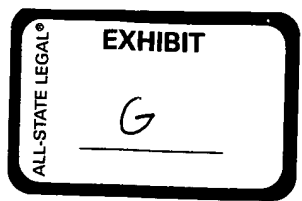
Post Office Address 20 Balmforth Avenue, Danbury, Connecticut 06810

Full name of Inventor Raymond Knox

Inventor's Signature _____ Date _____

Residence City/State Bethel, Connecticut Citizenship Britain

Post Office Address 58 Nashville Road Extension, Bethel, Connecticut 06801



KURT SUMME

From: INFO
Sent: Thursday, May 25, 2006 4:06 PM
To: Kurt Summe
Subject: FW: Attention Kurt A Smme Esq

From: RAYLKNOX@aol.com [mailto:RAYLKNOX@aol.com]
Sent: Thursday, May 25, 2006 3:19 PM
To: INFO
Subject: Attention Kurt A Smme Esq

Hi Kurt

May 25 2001

I have received the package of documents for signature.

There is however an issue that I wish to get resolved, and now with a request for my signature it is a good time to see if the issue can be brought to a satisfactory conclusion.

While working at Demetron I was offered a part time job by Dr Joshua Friedman, the founder of Demetron, designing UV equipment. The agreement in the resignation letter was that I would stay employed at Demetron until the end of March 2001, to help select a replacement for me. The arrangement with Dr Friedman that I would start working April 1.

At the beginning of March I was escorted from the Demetron building, for no good reason, and I lost a month's pay. It is my belief that this action took place because Dr Friedman was considered to be a competitor, however in the 5 years that I have worked for Dr Friedman we have never worked on any equipment that was in any way competition for Kerr/Sybron.

Kurt, Because of the way that I was treated by Dr Shellard and Mr Tomassi I will not deal with them, but if the issue is not resolved I will delay signing the patent documents.

I think that it is fair to expect to be paid for the month of March 2001 and interest thru today. On receipt of this settlement I will sign the document and return it to you.

I hope that you can help get a resolution for me and I thank you in advance for your efforts.

Regards

Raymond Knox.

BRUCE TITTEL
DAVID S. STALLARD
J. ROBERT CHAMBERS
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WOOD, HERRON & EVANS, LLP

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BRADLEY D. BECK

July 3, 2006

Mr. Jozef Kovac
20 Balmforth Avenue
Danbury, CT 06810

Re: U.S. Application Serial No. 10/656,490
Filed September 5, 2003
**APPARATUS AND METHOD FOR CURING MATERIALS WITH
RADIATION**
Our File: DEME/10CO

Dear Joe:

Following up on our earlier letter of May 18, 2006, a copy of which is attached, please execute the Declaration document and forward it for our filing in the continuation case. We include another copy of the Declaration as well as a copy of the pending application to which the Declaration is related..

If there are any issues which you would like to speak with me about, please don't hesitate to contact me at the above-referenced telephone number. Otherwise, we would request the return of the executed Declaration so that it may be filed.

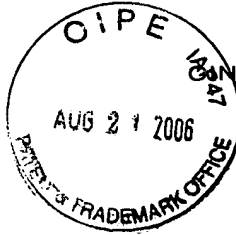
Very truly yours,

Kurt A. Summe

KAS/slm
Enclosure

WOOD, HERRON & EVANS, LLP

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BRADLEY D. BECK

July 3, 2006

Mr. Raymond Knox
58 Nashville Road Extension
Bethel, CT 06801

Re: U.S. Application Serial No. 10/656,490
Filed September 5, 2003
APPARATUS AND METHOD FOR CURING MATERIALS WITH RADIATION
Our File: DEME/10CO

Dear Ray:

Following up our letter of May 18, 2006, and your subsequent e-mail letter of May 25, 2006, it is Demetron's position that this issue regarding a Declaration of an application that has already been assigned to Demetron is separate from any other issues that you may need to still resolve with Demetron as your former employer.

Accordingly, we would respectfully request that you execute the Declaration papers and return them to me so that they may be filed in the case. We include another copy of the Declaration, as well as a copy of the pending application to which the Declaration is related. If there are other issues that you would like to speak with me about, certainly do not hesitate to contact me at the above-referenced telephone number.

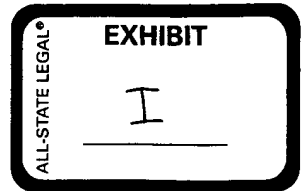
Very truly yours,

Kurt A. Summe

KAS/slm
Enclosures



DECLARATION, POWER OF ATTORNEY, AND PETITION



As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

APPARATUS AND METHOD FOR CURING MATERIALS WITH RADIATION

the specification of which (check one below):

- ☐ is attached hereto.
- ☒ was filed on September 5, 2003 as Application Serial No. 10/656,490 or Express Mail No. __, and was amended on __ (if applicable).
- ☐ was filed on __ as PCT International Application No. __, and as amended under PCT Article 19 on __ (if any).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations ' 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, ' 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed?

(Number) (Country) Day/Month/Year Filed () Yes () No

(Number) (Country) Day/Month/Year Filed () Yes () No

(Number) (Country) Day/Month/Year Filed () Yes () No

I hereby claim the benefit under Title 35, United States Code, ' 120 and/or ' 119(e) of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, ' 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations ' 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application.

09/632,260
(Serial No.)

8/4/2000
(Filing Date)

Patented (US Pat. #6,692,251)
(Status: Patented, Pending, or Abandoned)

09/009,205
(Serial No.)

1/20/1998
(Filing Date)

Patented (US Pat. #6,200,134)
(Status: Patented, Pending, or Abandoned)

(Serial No.)

(Filing Date)

(Status: Patented, Pending, or Abandoned)

I hereby appoint the practitioners associated with the customer number 26,875, as my attorneys or agents, with full power of substitute and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence and telephone calls to

Kurt A. Summe

Address of customer number 26,875
Telephone (513) 241-2324

Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of Inventor Jozef Kovac

Inventor's Signature _____ Date _____

Signature of Edward R. Shellard, signing on behalf of Inventors, who is President of Kerr corporation, to whom the present application, U.S. Serial No. 10/656,490, is assigned.

Signature  Date 8/7/06

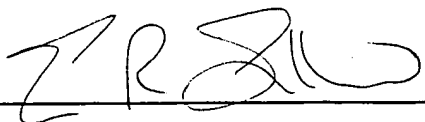
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Inventor's Signature _____ Date _____

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